

Application Number 10/608,767  
Amendment in response to Office Action mailed June 13, 2008

### **REMARKS**

This Amendment is responsive to the Office Action dated June 13, 2008. Applicant has amended claims 43, 71, 110 and 113. Applicant has also cancelled claims 48, 112, 118 and 124. Claims 1-6, 8-47, 49-77, 110, 111, 113-117, 119-123, 125-132 are pending upon entry of this Amendment.

### **Allowable Subject Matter**

In the Office Action, the Examiner indicated that claims 1-6, 8-42, 125 and 126 have been allowed. In the Office Action, the Examiner also indicated that claims 48, 118 and 124 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

In a teleconference with the Examiner on August 19, 2008, Applicant's representative, Michael Ostrom, and the Examiner discussed Applicant's original claim 112. Applicant's original claim 112 includes the limitation of "acquire state information from the target computing device without pre-loading acquisition software on the target computing device prior to acquiring the computer evidence." This limitation is very similar to the limitations of claims 48, 118 and 124, all of which the Examiner indicated were allowable if rewritten in independent form. In the teleconference, the Examiner agreed that claim 112 would be allowable if rewritten in independent form.

In this Amendment, Applicant has amended claims 43, 71, 110, 113, to include all subject matter recited by claims 48, 124, 112, and 118, respectively. Consequently, all of Applicant's pending claims and the claims dependent therefrom are in condition for allowance.

### **Claim Rejection Under 35 U.S.C. § 102**

In the Office Action, the Examiner rejected claims 43-47, 49-77, 110-117, 119-123 and 127-132 under 35 U.S.C. § 102(e) as being anticipated by McCreight et al. (US 6,792,545). Applicant respectfully traverses the rejection. Applicant disagrees with the Examiner's characterization of McCreight with respect to Applicant's claims. However, to expedite prosecution towards allowance, Applicant has amended claims 43, 71, 110 and 113 to include subject matter indicated by the Examiner to be allowable. Applicant therefore reserves the right

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to pursue claims, including the subject matter encompassed by the claims, as presented prior to this Amendment and additional claims in one or more continuing applications.

**CONCLUSION**

All claims in this application are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 50-1778. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

8-19-08

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